

Ex. B

Confidential

Page 1

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION  
4  
5

6 IN RE APPLE IPHONE  
LITIGATION

No. 5:11-MD-022550-LHK

7 \_\_\_\_\_/

8  
9  
10  
11 \*\*CONFIDENTIAL\*\*

12 VIDEOTAPED DEPOSITION OF ANTHONY CHIU  
13 PALO ALTO, CALIFORNIA  
14 WEDNESDAY, AUGUST 15, 2012  
15  
16  
17  
18  
19

20 BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CCRR, CLR  
21 CSR LICENSE NO. 9830  
22 JOB NO. 51484  
23  
24  
25

1 A Transferred it to the 3G.

2 Q Okay. And can you describe what factors led  
3 you to switch from using the Dash that you were using  
4 to purchasing an iPhone 3G?

5 A I'm sorry. Can you repeat the question  
6 again?

7 Q Sure.

8 What led to your decision to switch from  
9 using a Dash to purchasing an iPhone 3G?

10 A The Dash failed.

11 Q Okay. And in what way did the Dash fail?

12 A It wouldn't power up anymore.

13 Q So literally if you hit the on button, there  
14 was no power?

15 A Right.

16 Q So you needed a new phone?

17 A Exactly.

18 Q And do you recall, I may not have asked this,  
19 approximately what year this was or time period?

20 A The year, I would say, '08, maybe.

21 Q That sounds right.

22 So in 2008, what led you to purchase an  
23 iPhone 3G as opposed to buying another Dash or some  
24 other smartphone that was available on the market at  
25 that point in time?

1           A    I think it was the convenience of the iPhone,  
2   the iTunes, obviously the music, and also the apps  
3   that was created through Apple.

4           Q    And when you say "convenience," can you be  
5   more specific?

6           A    It's an all-in-one device where it allows you  
7   to listen to music, you know, search the web, and  
8   obviously the apps that were provided, the App Store,  
9   something that was new to the market.

10          Q    And at that time -- at the time that you  
11   purchased the iPhone 3G, did you download your music  
12   library that you had been using on your iPod Mini onto  
13   your 3G?

14          A    I'm not following you in that one.

15          Q    Sure.

16                Did you, at any point, download the library  
17   of music that you had been listening to on your iPod  
18   Mini onto your iPhone 3G?

19          A    Yes.

20          Q    And do you recall approximately what size  
21   your library was at that point in time?

22          A    No.

23          Q    Order of magnitude? I mean, would there be  
24   hundreds of songs? Thousands of songs? A handful of  
25   songs?

1 wanting to have more storage capacity for photos.

2 A Uh-huh.

3 Q How -- how do you use your phone with respect  
4 to photos that you take or view --

5 A Oh, just --

6 Q -- or edit or all three?

7 A Just regularly snapping pictures away.

8 Q So you take -- you frequently take pictures  
9 with your phone, your iPhone?

10 A Right.

11 Q And do you also use your iPhone to store  
12 albums and store photos that you have taken on your  
13 iPhone or through other sources?

14 A Whatever is taken on the iPhone, yes.

15 Q Okay. And can you -- you indicated that at  
16 the time you purchased the iPhone 4, you wanted to  
17 upgrade to the newest model.

18 Was there anything in particular about the  
19 features of the iPhone 4 that led to your decision to  
20 upgrade at that point in time that you can recall?

21 A I believe it was the new display that they  
22 were advertising.

23 Q Okay. And what specifically about the new  
24 display?

25 A I think it was a new retina display that they

1 had been hyping about.

2 Q Okay.

3 A Yes.

4 Q And what about the new retina display  
5 attracted you to the iPhone 4?

6 A It made things a lot clearer to read when you  
7 expanded.

8 Q And aside from the new retina display, was  
9 there anything else that led to your decision to  
10 upgrade to an iPhone 4?

11 A I believe the speed was a little bit faster  
12 as well --

13 Q Okay.

14 A -- so.

15 Q And aside from the retina display and the  
16 speed of the phone, was there anything else that led  
17 to your decision to upgrade to an iPhone 4?

18 A I think that was about it, if I recall.

19 Q And you purchased the iPhone 4 through AT&T's  
20 website?

21 A Yes.

22 Q Can you describe as best you can the steps  
23 you took to actually complete the purchase on AT&T's  
24 website?

25 A If I'm not mistaken, I logged into my account

1 Q Can you recall -- can you tell us everything  
2 you recall about creating your iTunes account?

3 A Meaning?

4 Q Meaning what steps did you take to set up an  
5 iTunes account?

6 A If I recall, going into Apple's website and  
7 just download the iTunes, and that was it.

8 Q Do you recall providing your name and an  
9 account ID and a credit card as part of signing up for  
10 the iTunes account?

11 A Yes.

12 Q And is that the same information that you use  
13 when making any app-related purchases through the  
14 App Store?

15 A Yes.

16 Q Do you recall whether you read any terms or  
17 agreements as part of signing up for an iTunes  
18 account?

19 A Yes.

20 Q And what do you recall reading?

21 A Just basically general information about how  
22 it uses -- well, actually, let me rephrase that.

23 In terms of recall what I've read, no, I  
24 don't recall what I've read. It's been a long time --

25 Q Okay.

1 A -- yeah.

2 Q And when you set up your iTunes account, this  
3 was around the time -- do you recall when it was in  
4 relation to obtaining an iPhone Mini?

5 Excuse me. I misspoke. Let me rephrase  
6 that.

7 Do you recall when you set up your iTunes  
8 account in relation to when you acquired the iPod Mini  
9 that you received as a gift?

10 A In terms of the time frame you're saying?

11 Q Yes. When in relation? Was it shortly after  
12 you got the iPod mini? Was it years after? Do you  
13 have any sense of the relationship of those events?

14 A I did set it up when I got the iPod mini,  
15 yeah.

16 Q And do you recall how many years ago this  
17 was?

18 A No, I don't actually. It's been a long time.

19 Q Would -- would the Apple ID that you used  
20 when setting up your iTunes account for use with your  
21 iPod mini be the same Apple ID that you used to  
22 download apps from the App Store?

23 A Are you referring to this Column E here?

24 Q Yes.

25 A I might have used a different e-mail account



1 A Through work.

2 Q On your desktop?

3 A No, the actual paper.

4 Q And do you recall reading the article you're  
5 referring to at the time it was published in the Wall  
6 Street Journal?

7 A When you say "time," do you mean the year  
8 or --

9 Q In other words, did you read the article  
10 close in time to when it was published in the Wall  
11 Street Journal?

12 MR. RICHMAN: Objection.

13 THE WITNESS: Yes.

14 MS. BERINGER: Q. Do you recall where you  
15 were when you read it?

16 A At work.

17 Q And did you have any discussions with anyone  
18 after you read that article about the article?

19 A Right away you mean?

20 Q At any point?

21 A At any point.

22 I had -- not right away, but I eventually had  
23 a discussion with Kim Richman here.

24 Q Okay. Aside from reading the article in the  
25 Wall Street Journal that discussed UDIDs and certain

1 app data practices, is there anything else that led to  
2 your decision to file this lawsuit against Apple?

3 A What's a UDID?

4 Q Do you know what a UDID is?

5 A Are you referring to --

6 Q A UDID?

7 A Oh, okay. Okay. Yes.

8 No, I have no idea what an UDID is.

9 Q Do you consider -- do you know what --  
10 withdrawn.

11 Do you consider any UDID to be personal  
12 information about you?

13 MR. RICHMAN: Objection.

14 THE WITNESS: No.

15 MS. BERINGER: Q. So you do not consider a  
16 UDID to be personal information about you?

17 A In terms of UDID from what I read, again, is  
18 just basically a phone that is linked to the user.

19 Q It is the serial number for a phone; correct?

20 A I don't know if it's a serial number, but I  
21 know it's an IDID that's associated with a user of the  
22 iPhone.

23 Q But you do not consider the UDID to be  
24 personal information about you; is that correct?

25 A If the UDID has my information, then yes.

1 Q Are you aware of any UDID that has your  
2 information?

3 A I don't know.

4 Q What type of information about you would you  
5 need to have a UDID for you to consider it to be  
6 personal information?

7 A Again, I don't know exactly what the UDID has  
8 in terms of personal information.

9 Q Do you know what the UDID associated with any  
10 of the iPhones that you have used is?

11 A If you're referring to when I first read the  
12 article.

13 Q Sitting here today, do you know what the  
14 UDIDs associated with any of the iPhones that you have  
15 used is?

16 A Probably my profile that is associated to the  
17 phone that I use.

18 (Document marked Chiu Exhibit 32  
19 for identification.)

20 MS. BERINGER: I'm marking as Exhibit 32 a  
21 document that contains several alphanumeric strings.

22 Q Mr. Chiu, do you see anything on Exhibit 32  
23 that you consider to be personal information about  
24 you?

25 MR. RICHMAN: Objection.

1 THE WITNESS: No.

2 MS. BERINGER: Q. Is there --

3 A I don't know.

4 Q -- is there anything on Exhibit 32 that you  
5 believe could be used to contact you?

6 MR. RICHMAN: Objection.

7 THE WITNESS: I don't know.

8 MS. BERINGER: Q. Well, do you see anything  
9 on Exhibit 32 that you understand could be used to  
10 contact you?

11 MR. RICHMAN: Objection.

12 THE WITNESS: Not that I know of.

13 MS. BERINGER: Okay.

14 Q And do you see anything on Exhibit 32 that  
15 could be used to identify you?

16 MR. RICHMAN: Objection.

17 MS. BERINGER: Q. And I'm obviously  
18 excluding your name at the top of the exhibit.

19 But putting aside your name, in the  
20 alphanumeric strings that follow each of the bullet  
21 points on Exhibit 32, is there anything on this page,  
22 other than your name, that could be used to identify  
23 you, to your knowledge?

24 MR. RICHMAN: Objection.

25 THE WITNESS: Not that I know of.

Confidential

Page 110

1 MS. BERINGER: Q. And am I correct that,  
2 other than your name, there's nothing on this page  
3 that you consider to be personal information about  
4 you?

5 MR. RICHMAN: Objection.

6 THE WITNESS: Not that I know of.

7 MS. BERINGER: Q. So that is correct?

8 A Uh-huh.

9 MR. RICHMAN: Objection.

10 MS. BERINGER: Q. That was a yes?

11 A No.

12 What are you saying?

13 Q Yes, that was correct?

14 A What was your last question?

15 Q I said, am I correct that, other than your  
16 name, there's nothing on this page that you consider  
17 to be personal information about you?

18 MR. RICHMAN: Objection.

19 THE WITNESS: Not that I can -- that I know  
20 of.

21 MS. BERINGER: Okay.

22 Q When you read the Wall Street Journal article  
23 that you referred to, did you have any concerns at  
24 that point in time about anything that may have been  
25 done by apps that you were running on your phone?

Confidential

Page 152

## J U R A T

I, ANTHONY CHIU, do hereby certify  
under Penalty of Perjury, that I have read  
the foregoing transcript of my deposition  
taken on August 15, 2012; that I have made  
such corrections as appear noted herein in  
ink, initialed by me; that my testimony as  
contained herein, as corrected, is true and  
correct.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2012,  
at \_\_\_\_\_, California.

\_\_\_\_\_  
SIGNATURE OF WITNESS

Confidential

Page 153

## 1 CERTIFICATE OF REPORTER

2  
3  
4 I, ANDREA M. IGNACIO HOWARD, hereby certify  
5 that the witness in the foregoing deposition was by me  
6 duly sworn to tell the truth, the whole truth, and  
7 nothing but the truth in the within-entitled cause;  
8

9 That said deposition was taken in shorthand  
10 by me, a Certified Shorthand Reporter of the State of  
11 California, and was thereafter transcribed into  
12 typewriting, and that the foregoing transcript  
13 constitutes a full, true and correct report of said  
14 deposition and of the proceedings which took place;  
15

16 That I am a disinterested person to the said  
17 action.  
18

19 IN WITNESS WHEREOF, I have hereunto set my  
20 hand this 22nd day of August, 2012.  
21

22 

23 ANDREA M. IGNACIO HOWARD, RPR, CCRR, CLR, CSR No. 9830  
24  
25

DATE: \_\_\_\_\_

Page	Line	Change
------	------	--------

[illegible]